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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,493	02/15/2001	Ron Grosz	00216-544001/T-695	1706
26161	7590	05/21/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			LEE, EDMUND H	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/784,493	Applicant(s) GROSZ ET AL.	
	Examiner EDMUND H. LEE	Art Unit 1732	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 31 December 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-27, 31 and 32.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see attachment

EDMUND H. LEE
Primary Examiner
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Attachment to Advisory Action

1. In view of the after-final amendment filed 5/8/04, the following is how the pending will be rejected:

Claims 1-5, 8, 12, and 31-32 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as set forth in the previous final rejection mailed 9/10/03.

Claims 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 1 above and further in view of Kearney et al (USPN 4336038) as set forth in the previous final rejection mailed 9/10/03.

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 8 above as set forth in the previous final rejection mailed 9/10/03.

Claims 10 and 11 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 1 above and further in view of Look (USDPN 454664) as set forth in the previous final rejection mailed 9/10/03.

Claims 13 and 14 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 12 above and further in view of Szakely (USPN 5947621) as set forth in the previous final rejection mailed 9/10/03.

Claims 20, 21 and 24-27 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 2 above and further in view of Yarossi et al (USPN 4518553) as set forth in the previous final rejection mailed 9/10/03.

Claims 22 and 23 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) and Yarossi et al (USPN 4518553) as applied to claim 20 above and further in view of Pico (USPN 3972974) as set forth in the previous final rejection mailed 9/10/03.

Claims 15 and 16 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as set forth in the previous final rejection mailed 9/10/03.

Claim 17 is rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 15 above and further in view of Romanco (USPN 5643467) as set forth in the previous final rejection mailed 9/10/03.

Claims 18 and 19 are rejected under 35 USC 103(a) as being unpatentable over Shelton (USPN 4120948) in view of Piscopo et al (USPN 5984553) as applied to claim 16 above and further in view of Look (USDPN 454664) as set forth in the previous final rejection mailed 9/10/03.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is

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571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY
FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL

 5/19/04